

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Nakeitra Grandberry,

Plaintiff,

v.

Medical-Commercial Audit, Inc. dba  
MCA Management,

Defendant.

CIVIL ACTION FILE NO.

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**COMPLAINT**

Plaintiff Nakeitra Grandberry ("Plaintiff") by and through her undersigned attorneys, as and for her Complaint against Defendant Medical-Commercial Audit, Inc. dba MCA Management ("Defendant") respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory relief arising from the Defendant's violation(s) of section 1692 et. seq. of Title 15 of the United

States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

### **PARTIES**

2. Plaintiff is a resident of the State of Missouri, County of Saint Louis, residing at 1029 Hopedale Drive, Saint Louis, MO 63137.

3. Defendant is a debt collector with an address at 2835A High Ridge Blvd., High Ridge, MO 63049-2209.

4. Medical-Commercial Audit, Inc. dba MCA Management is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 *et. seq.* The Court also has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully state herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. This debt was incurred as a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).

10. Specifically, this is a debt for medical services incurred by Plaintiff with the original creditor Western Anesthesiology and, thus, is a personal consumer debt under the FDCPA.

11. On or around October 15, 2016, Defendant sent the Plaintiff a collection letter.

**Violation I**

12. The second line of the letter states “It is therefore necessary to schedule your account to be reported to the credit bureaus if we do not hear from you within 15 days from the date of the notice.”

13. This statement is abusive and coercive and was made with the intent of scaring Plaintiff into making payment.

14. Additionally, this statement is false and misleading as Defendant never reported this debt to the credit bureaus.

15. This abusive language caused Plaintiff to become extremely upset and disheartened as a result of the extreme financial struggle which she is presently enduring.

**Violation II**

16. The collection letter directs Plaintiff to Defendant's website for payment of the alleged debt.

17. When Plaintiff visited the website she learned that Defendant charges consumers a \$5.00 convenience fee for payments made through its website.

18. Plaintiff did not agree to such a collection cost and the \$5.00 convenience fee far exceeds any reasonable costs of collection for this account.

19. The addition of this convenience fee by Defendant, which was not authorized by the agreement creating the debt or permitted by law, was an attempt to collect an amount not owed by Plaintiff.

20. As a result of Defendant's false, deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

21. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

22. Defendant's debt collection efforts attempted and/or directed towards Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(5), 1692e(10), 1692f and 1692f(1).

23. As a result of the Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Nakeitra Grandberry demands judgment from the Defendant Medical-Commercial Audit, Inc. dba MCA Management as follows:

- a) For actual damages provided and pursuant to 15 U.S.C. § 1692k(a)1);
- b) For statutory damages provided and pursuant to 15 U.S.C. § 1692k(2)(A));
- c) For attorney fees and costs provided and pursuant to 15 U.S.C. § 1692k(a)(3));
- d) A declaration that the Defendant's practices violated the FDCPA; and

- e) For any such other and further relief, as well as further costs, expenses and disbursements of this action as this Court may deem just and proper.

Dated: October 5, 2017

/s/ Yaakov Saks  
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